

Docket No.: 000166.0106-US02
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chiem V. Pham

Application No.: Continuation of 10/060,235 Group Art Unit: N/A

Filed: December 1, 2003 Examiner: Not Yet Assigned

For: ACID END GROUP POLY(D,L-LACTIDE-CO-
GLYCOLIDE) COPOLYMERS WITH HIGH
GLYCOLIDE CONTENT

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO/SB/08a/b are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted

herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. _____.

_____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i).

- a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- 4. Relevance of the non-English language document(s) is discussed in the present specification.
 - 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
 - 6. A concise explanation of the relevance of the non-English language document(s) appears below:
 - 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. 10/060,235, filed February 1, 2002, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
 - 8. Copies of the documents were cited by or submitted to the Office in Application Nos. 10/060,235, filed February 1, 2002 and 09/635,677, filed August 10, 2000, which

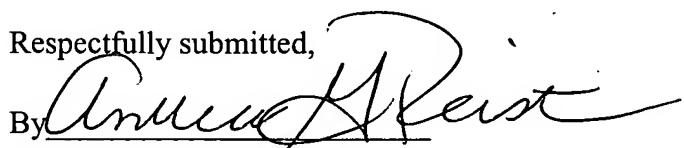
are relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08a/b, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0740, referencing Docket No. 00166.0106.US02.

Dated: December 1, 2003

Respectfully submitted,

By 
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Washington, DC 20004-2401
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
Sheet	1	of	2	Application Number	Not Yet Assigned
				Filing Date	Concurrently Herewith
				First Named Inventor	Chiem V. Pham
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
				Attorney Docket Number 000166.0106-US02	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
AA	US-4,157,437		06/1979	Okuzumi et al.	
AB	US-4,677,191		06/1987	Tanaka	
AC	US-4,719,246		01/1988	Murdoch et al.	
AD	US-4,728,721		03/1988	Yamamoto et al.	
AE	US-4,767,628		08/1988	Hutchinson	
AF	US-4,797,468		01/1989	De Vries	
AG	US-4,849,228		07/1989	Yamamoto et al.	
AH	US-4,859,763		08/1989	Takayanagi et al.	
AI	US-5,134,122		07/1992	Orsolini	
AJ	US-5,192,741		03/1993	Orsolini et al.	
AK	US-5,252,701		10/1993	Jarrett et al.	
AL	US-5,320,624		06/1994	Kaplan et al.	
AM	US-5,478,921		12/1995	Roby et al.	
AN	US-5,641,501		06/1997	Cooper et al.	
AO	US-5,650,173-B1		07/1997	Ramstack et al.	
AP	US-5,654,008		08/1997	Herbert et al.	
AQ	US-5,705,197		01/1998	Van Hamont et al.	
AR	US-5,770,231-B1		06/1998	Mesens et al.	
AS	US-5,792,477-B1		08/1998	Mesens et al.	
AT	US-5,817,343		10/1998	Burke, Paul A.	
AU	US-5,876,761		03/1999	Bodmer et al.	
AV	US-5,916,598		06/1999	Rickey et al.	
AW	US-5,942,253		08/1999	Gombotz et al.	
AX	US-5,945,128		08/1999	Deghenghi	
AY	US-5,952,405		09/1999	Schoenberg et al.	
AZ	US-5,965,168-B1		10/1999	Mesens et al.	
AA1	US-5,968,543		10/1999	Heller et al.	
AB1	US-6,004,573		12/1999	Rathi, et al.	
AC1	US-6,007,565		12/1999	Roby et al.	
AD1	US-6,362,308		03/2002	Pham, Chiem V.	
AE1	US-6,599,519		07/2003	Seo et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
BA	DE-DE 28 27 289 A		01-11-1979	ETHICON	
BB	EP-0 275 581-B1		08-12-1992	AKZO N.V.	
BC	DE-DE 43 20 396 A		12-22-1994	Boehringer Ingelheim	
BD	EP-0 299 730-B1		10-11-1995	Mitsui Toatsu Chemicals, Inc.	
BE	EP-EP 0 816 413 A		01-07-1998	Novartis	

Examiner Signature	Date Considered
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO

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(Use as many sheets as necessary)

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Application Number	Not Yet Assigned				
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First Named Inventor	Chiem V. Pham				
Art Unit	N/A				
Examiner Name	Not Yet Assigned				
Sheet	2	of	2	Attorney Docket Number	000166.0106-US02

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. **CITE NO.: Those patent(s) or publication(s) which are marked with an double asterisk (**) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Bendix, "Analytical Studies on the Solubility Problem of Poly(D,L-Lactide-Co-Glycolide), 50:50," Proceed. Intern. Symp. Control. Rel. Bioact. Mater. 17: 248-49 (1990).	
	CB	Gilding et al., "Biodegradable polymers for use in surgery-polyglycolic/poly(lactic acid) homo- and copolymers: 1," Polymer 20:1459-1464 (1979).	
	CC	International Journal of Pharmaceutics, Vol. 141, 1996, pages 205-216, XP000946093; relevant passages: page 206, column 2, line 34 - page 207, column 1, line 34.	
	CD	Kulkarni et al., "Biodegradable Poly(lactic acid) Polymers," J. Biomed. Mater. Res., 5:169-81 (1971).	
	CE	Lewis, D.H., "Biodegradable Polymers as Drug Delivery Systems," (Chasin et al., eds.) (Marcel Dekker, Inc., NY), Chapter 1, 1-41 (1990).	
	CF	March, Jerry, "Advanced Organic Chemistry: Reactions, Mechanisms, and Structure," Second Edition (International Student Edition), McGraw-Hill Kogakusha, Ltd., C-720-C-726.	
	CG	Park, Tae Gwan, Degradation of poly(lactic-co-glycolic acid) microspheres: effect of copolymer composition," Biomaterials, 16: 1123-30 (1995).	
	CH	Resomer, Boehringer Ingelheim, pages 2-11 (02/94).	
	CI	Resomer RG 502 H, Boehringer Ingelheim Pharma GmbH & Co. KG at http://www.boehringer-ingelheim.com/finechem .	
	CJ	Wang et al., "Synthesis, characterization, biodegradation, and drug delivery application of biodegradable lactic/glycolic acid oligomers: I. Synthesis and characterization," J. Biomater. Sci. Polymer Edn. 8(12): 905-17 (1997).	
	CK	Wang et al., "Synthesis, characterization, biodegradation, and drug delivery application of biodegradable lactic/glycolic acid oligomers: Part II. Biodegradation and drug delivery application," J. Biomater. Sci. Polymer Edn. 9(1): 75-87 (1997).	

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¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered
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